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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,685	06/24/2005	Hendrik Josephus Goossens	NL 021498	8984

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EXAMINER

FANG, JERRY C

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/540,685	Applicant(s) GOOSSENS, HENDRIK JOSEPHUS	
	Examiner Jerry Fang	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> . |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 8/2/2006 have been fully considered but they are not persuasive. Applicant has made several remarks regarding the Non-Final Rejection and each one of them will be addressed below:

- Kowarz, Yamamoto, and Berge fail to disclose a deformable optical element configured to deform substantially along at least one of a direction radial to an optical axis: Berge discloses a deformable optical element configured to deform substantially along at least one of a direction radial to an optical axis (Fig. 1, 11).
- Kowarz, Yamamoto, and Berge fail to disclose deforming said first electrode or said first surface on which the deformable optical element is mapped substantially along at least one of a direction radial to an optical axis. Kowarz discloses deforming said first electrode or said first surface on which the deformable optical element is mapped substantially along at least one of a direction radial to an optical axis (Fig. 1a, 6 and Fig. 8b, 23b).

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kowarz (US 6,844,960) in view of Yamamoto et al. (US 6,965,467) and Berge et al. (US 6,369,954).

Regarding claims 1 and 8, Kowarz discloses a substrate comprising a first surface and a second surface (Abstract). A first electrode mapped on said first surface (Abstract). A second electrode mapped on said second surface (Abstract). A deformable optical member mapped on said first electrode or on said first surface (Fig. 8b, 23b). Apply a voltage difference between said first electrode and said second electrode (Abstract). Deforming said first electrode or said first surface (Fig. 1a, 6) on which the deformable optical element is mapped substantially along at least one of a direction radial to an optical axis of said deformable optical element and a plane parallel to said polymer film (Fig. 8b, 23b). Kowarz fails to disclose said substrate being a polymer film and wherein said deformable optical element is configured to deform substantially along at least one of a direction radial to an optical axis of said deformable optical element and a plane parallel to said polymer film. Yamamoto discloses a substrate made of polymer films (column 12, lines 53-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use polymer film to form a conductive substrate as taught by Yamamoto, with the optical device of Kowarz, since as shown by Yamamoto, polymer film is commonly used in order to create a conductive substrate. Berge discloses wherein said deformable optical element is configured to deform substantially along at least one of a direction radial to an optical axis of said deformable optical element and a plane parallel to said polymer film (Fig. 1, 11). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to use the deformable optical element as taught by Berge, with the optical device of Kowarz, since as shown by Berge, a deformable optical element which is configured to deform substantially along at least one of a direction radial to an optical axis of said deformable optical element and a plane parallel to said polymer film is commonly used in order to construct a lens system.

Regarding claim 2, Kowarz discloses the claimed invention except for using a circular lens or a diffraction grating for said optical element. It would have been an obvious matter of design choice to use a circular lens or a diffraction grating for said optical element, since applicant has not disclosed that using a circular lens or a diffraction grating for said optical element solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a rectangular lens.

Regarding claims 5 and 6, Kowarz discloses the claimed invention except for using electrodes having the shape of a circle/ring. It would have been an obvious matter of design choice to use electrodes having the shape of a circle/ring, since applicant has not disclosed that electrodes having the shape of a circle/ring solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with electrodes having a shape of a rectangular.

Regarding claim 7, Kowarz discloses a plurality of electrodes (Abstract); and an optical element in contact with the polymer film or at least one of said plurality of electrodes (Abstract);

the polymer film being sandwiched between the two electrodes and configured to receive a voltage difference, for deforming the optical element (Abstract). Deforming said first electrode or said first surface (Fig. 1a, 6) on which the deformable optical element is mapped substantially along at least one of a direction radial to an optical axis of said deformable optical element and a plane parallel to said polymer film (Fig. 8b, 23b). Kowarz fails to disclose a polymer film and wherein said deformable optical element is configured to deform substantially along at least one of a direction radial to an optical axis of said deformable optical element and a plane parallel to said polymer film. Yamamoto discloses a polymer films (column 12, lines 53-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use polymer film to form a conductive substrate as taught by Yamamoto, with the optical device of Kowarz, since as shown by Yamamoto, polymer film is commonly used in order to create a conductive substrate. Berge discloses wherein said deformable optical element is configured to deform substantially along at least one of a direction radial to an optical axis of said deformable optical element and a plane parallel to said polymer film (Fig. 1, 11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the deformable optical element as taught by Berge, with the optical device of Kowarz, since as shown by Berge, a deformable optical element which is configured to deform substantially along at least one of a direction radial to an optical axis of said deformable optical element and a plane parallel to said polymer film is commonly used in order to construct a lens system.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kowarz (US 6,844,960), Yamamoto et al. (US 6,965,467), and Berge et al. (US 6,369,954), as applied to claim 1 above, and further in view of Sasama (US 6,859,233).

Regarding claim 3, a modified Kowarz, fails to disclose wherein said optical element is made of silicone rubber or of cyclic olefin copolymer. Sasama discloses an optical element made of silicone rubber (column 4, lines 33-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use silicone rubber to form an optical element as taught by Sasama, with the optical device of Kowarz, since as shown by Sasama, silicone rubber is commonly used in order to form an optical element.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kowarz (US 6,844,960), Yamamoto et al. (US 6,965,467), and Berge et al. (US 6,369,954), as applied to claim 1 above, and further in view of Choulga et al. (US 6,004,442).

Regarding claim 4, a modified Kowarz, fails to disclose wherein said polymer film is made of silicone rubber or acrylic dielectric elastomer. Choulga discloses a polymer film made of silicone rubber (column 15, line 63 – column 16, line 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use silicone rubber to form a polymer film as taught by Choulga, with the optical device of Kowarz, since as shown by Choulga, silicone rubber is commonly used in order to form a polymer film.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry Fang whose telephone number is 5712726013. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 5712722333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J.F.
8/9/2006

A handwritten signature in black ink, appearing to read 'Tim Thompson', with a stylized, cursive script.

**TIMOTHY THOMPSON
PRIMARY EXAMINER**